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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,521	09/10/1999	NAOYUKI MATSUMOTO	35.G0708C/D2	4346

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NEW YORK, NY 10112

EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/394,521

Applicant(s)

MATSUMOTO, NAOYUKI

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 3/15/04, and has been entered and made of record. Currently, **claims 25-31** are pending.

Response to Arguments

2. Applicant's arguments filed 3/15/04 have been fully considered but they are not persuasive.

3. In response to applicant's arguments regarding the rejection of claim 25, which was cited in the Office action dated 12/9/03 as being anticipated by Yokota *et al.* (U.S. Patent Number 5,598,533), whereby applicant argues on page 6 that Yokota fails to teach the limitation of checking, upon receipt of the commands by units of the data communication apparatus, operating conditions of the data communication apparatus. The examiner notes that Yokota teaches in column 6, lines 33 through 41, of analyzing received command data and reading parameter data associated with the command data if they exist. Further, in column 6, lines 42 through 47, Yokota teaches that the processing discussed above is executed when the personal computer generates the command data to the facsimile. Continuing, Yokota teaches in column 10, lines 36 through 54, that when the facsimile detects that the touch panel was touched, data is transmitted to the personal computer. Further in column 6, lines 48 through 54, Yokota shows that upon recognizing a command, or the touching of the touch panel 21, information related to operating conditions are sent to the personal computer. Thus, the examiner notes that upon reception of the

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commands sent by the touch panel 21, which is being interpreted as a logic ID unit, operation conditions are checked. Therefore one of ordinary skill in the art can recognize that Yokota teaches of checking, upon receipt of the commands by units of the data communication apparatus, operating conditions of the data communication apparatus.

Continuing, in response to applicant's arguments on pages 6 and 7, regarding the limitation of notifying the host computer of the operating conditions in accordance with commands from the host computer. As discussed above, Yokota teaches of checking, upon receipt of the commands by units of the data communication apparatus, operating conditions of the data communication apparatus. Further, as read in column 10, lines 40 through 54, the personal computer receives data that notifies the operating conditions. Also, in column 11, lines 29 through 36, the personal computer outputs command data and subsequently receives data which is a notification of the commands.

4. Therefore, the rejection of **claim 25**, as well as **claim 29**, as cited in the Office action dated 12/9/03, under 35U.S.C.102(e) as being anticipated by Yokota *et al.*, is maintained and repeated in this Office action.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claims 25-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Yokota *et al.* (U.S. Patent Number 5,598,533, cited in the Office action dated 12/9/03)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding **claim 25**, Yokota discloses a method (see Figs. 1 and 6) of controlling a data communication apparatus (facsimile) in a data processing system (seen in Fig. 1) that includes the data communication apparatus (facsimile) and a host computer (personal computer) connected to the data communication apparatus by an interface (command and printer ports 30, 32, and 35, see Fig. 1, column 4, lines 47 through 55), with the method comprising a communication step of communicating commands from the host computer to the data communication apparatus through an interface (column 4, line 56 through column 5, line 25), wherein the data communication apparatus (facsimile, see Fig. 1) is comprised of units including a scanner (image scanner 22, column 3, lines 37 through 45), a printer (23, column 3, lines 37 through 45), a storage unit (memory 27, column 3, lines 37 through 45), a line (25, see Fig. 1), and a logic ID unit (touch panel 21, column 3, lines 37 through 45, column 6, lines 55 through 66, and column 10, lines 29 through 48), a checking step of checking, upon receipt of the commands by units of the data communication apparatus operating conditions of the data communication apparatus (column 5, lines 1 through 7, column 6, lines 9 through 47, and

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column 9, line 64 through column 10, line 35), a determination step of determining which units of the data communication apparatus the commands are issued to (column 5, lines 1 through 15, column 6, lines 9 through 54, and column 9, line 11 through column 14, line 46), and a notification step of notifying the host computer of the operating conditions in accordance with the commands from the host computer (column 5, lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B).

Regarding **claim 26**, Yokota discloses the method discussed above in claim 25, and further teaches that the notification step notifies the host computer of operating conditions comprising a change in status or internal state of the data communication apparatus (column 5, lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B).

Regarding **claim 27**, Yokota discloses the method discussed above in claim 25, and further teaches that the notification step notifies the host computer of the operating conditions in accordance with a command from the host computer (column 5, lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B).

Regarding **claim 28**, Yokota discloses the method discussed above in claim 25, and further teaches that the data communication apparatus is included in a facsimile apparatus (facsimile, see abstract, Fig. 1, and column 3, lines 10 through 45).

Regarding **claim 29**, Yokota discloses a method (see Figs. 1 and 6) of controlling a data processing apparatus (facsimile) in a data processing system (seen in Fig. 1) that includes the data processing apparatus (facsimile) and a host computer (personal computer), the data

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processing apparatus and the host computer being connected to each other through an interface (through command and printer ports 30, 32, and 35, see Fig. 1, column 4, lines 47 through 55), and the data processing apparatus (facsimile) being able to communicate with another device through a network without using the interface (through fax controller 24, column 3, lines 37 through 45), with the method comprising a command reception step of receiving by the data processing apparatus, commands from the host computer through an interface (column 4, line 56 through column 5, line 25), wherein the data processing apparatus (facsimile, see Fig. 1) is comprised of units including a scanner (image scanner 22, column 3, lines 37 through 45), a printer (23, column 3, lines 37 through 45), storage unit (memory 27, column 3, lines 37 through 45), a line (25, see Fig. 1), and a logic ID unit (touch panel 21, column 3, lines 37 through 45, column 6, lines 55 through 66, and column 10, lines 29 through 48), a checking step of checking, upon receipt of the commands by units of the data processing apparatus, operating conditions of the data processing apparatus (column 5, lines 1 through 7, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35), a determination step of determining units of the data processing apparatus that the commands are issued to (column 5, lines 1 through 15, column 6, lines 9 through 54, and column 9, line 11 through column 14, line 46), and a notification step of notifying the host computer of information in accordance with the commands received in the command reception step through the interface (column 5, lines 1 through 18, column 6, lines 9 through 47, and column 9, line 64 through column 10, line 35, seen in step S19 of Fig. 7B), wherein the information comprises information regarding which units of the data processing apparatus the commands are issued to (column 4, line 56 through column 5, line 18, and column 6, lines 33 through 54).

Regarding *claim 30*, Yokota discloses the method discussed above in claim 29, and further teaches that the notification step notifies the host computer of a model type and a model version in one set (column 9, line 49 through column 10, line 35, and column 11, line 52 through column 12, line 53).

Regarding *claim 31*, Yokota discloses the method discussed above in claim 29, and further teaches that the data processing apparatus is included in a facsimile apparatus (facsimile, see abstract, Fig. 1, and column 3, lines 10 through 45).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

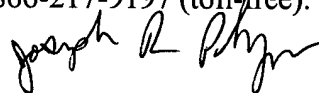
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp



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SUPERVISORY PATENT EXAMINER
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